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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/071,158 | 02/07/2002 | Han-Chao Lee | 13732.35US01 | 8580 |
| 23552 | 7590 | 11/16/2004 | EXAMINER | |
| MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903 | | | HO, THE T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2126 | |

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,158

Applicant(s)

LEE ET AL.

Examiner

The Thanh Ho

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-8 have been examined and are pending in the application.
2. Acknowledgement is made of a claim for foreign priority under 35 USC 119(a)-(d). However, none of the certified copy of the priority document has been received.

Specification

3. The disclosure is objected to because of the following informalities: the phrase "Fig. 3" (line 29 page 3) should be written as "Fig. 1". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Pedrizetti U.S Patent No. 6,789,255.

As to claim 1, Pedrizetti teaches an integrated service system (Figs. 1-3), comprising:

a setting module for setting a task flow (OLE Custom Control use to set up the application programs that need to be updated, lines 1-23 column 4), wherein the task flow comprises least one working step (updating a particular software module from a plurality of software modules that need to be updated within the OLE, lines 13-23 column 4) and content corresponding to the working step (the identifiers associated with each of the software module, lines 14-16 column 4);

a service database (database 106, Fig. 1) having a plurality of services (entries 110 regarding each updateable program module, lines 16-17 column 3), each of which has an attribute (...each entry contains data 112 including the module name and related tracking information. Associated with each entry 110 is update data 114 corresponding to the data required to bring the particular entry up to date with respect to the latest version of that module..., lines 17-23 column 3);

a matching module for selecting at least one service from the service database if the attribute corresponding to the service conforms to the content corresponding to the working step in the task flow (...a comparison is made between the unique identifier of the client file or device in question and the entries in the index file obtained from the server. If a match is found, then at step 316, version information is compared to confirm that the server has a new update for the file or device. If an update exists, at step 318 the local OCX checks whether an optional download DLL is defined in the index file. If defined, then at step 320 the download DLL is downloaded from the server..., lines 12-21 column 6); and

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an execution module for executing the working step of the task flow (the update data is downloaded from the server, lines 25-26 column 6), and dynamically binding the service selected by the matching module to the working step (applied the update data to the file being updated, lines 25-27 column 6).

As to claim 3, Pedrizetti further teaches the service composed of a plurality of sub-services (steps 300-322, Fig. 3).

As to claim 4, Pedrizetti further teaches a display module for displaying the service selected by the matching module (Update Wizard, Figs. 6A-6G).

As to claims 5 and 7-8, they are method claims of claims 1 and 3-4, respectively. Therefore, they are rejected for the same reasons as claims 1 and 3-4 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrizetti in view of Bruck U.S Patent No. 6,801,949.

As to claim 2, Pedrizetti does not explicitly teach an execution memorization module. Bruck teaches a system of downloading file from a server to a client (lines 42-

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52 column 30) wherein whenever a loss of communication occurs during the downloading, a client program at the client machine enables download operations to be restarted and resumed at the prior stopping point. It would have been obvious to apply the teachings of Bruck to the system of Pedrizetti because this reduces the downloading time since the system does not have to start over the download operation as disclosed by Bruck (lines 42-52 column 30).

As to claim 6, it is a method claim of claim 2. Therefore, it is rejected for the same reasons as claim 2 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

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- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

TTH
November 8, 2004


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
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